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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
11

12 In the Matter of the Accusation Against:

Case No. 2010-88

13 **PAIGE MCGUIRT HAMILTON**
14 **22622 Fern Avenue**
15 **Torrance, CA 90505**

A C C U S A T I O N

16 **Registered Nurse License No. 626653**

17 Respondent.
18

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 **Registered Nurse License**

24 2. On or about September 22, 2003, the Board of Registered Nursing issued Registered
25 Nurse License Number 626653 ("license") to Paige McGuirt Hamilton ("Respondent"). The
26 registered nurse license was in full force and effect at all times relevant to the charges brought
27 herein and will expire on January 31, 2011, unless renewed.
28

JURISDICTION

3. This Accusation is brought under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

7. Code section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

8. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or

1 injurious to himself or herself, any other person, or the public or to the extent that such use
2 impairs his or her ability to conduct with safety to the public the practice authorized by his
or her license.

3 (c) Be convicted of a criminal offense involving the prescription,
4 consumption, or self-administration of any of the substances described in
subdivisions (a) and (b) of this section, or the possession of, or falsification of a
5 record pertaining to, the substances described in subdivision (a) of this section, in
which event the record of the conviction is conclusive evidence thereof.

6 **COST RECOVERY**

7 9. Code section 125.3 provides, in pertinent part, that the Board may request the
8 administrative law judge to direct a licensee found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Criminal Convictions)**

13 10. Respondent is subject to disciplinary action under Code section 2761, subdivision (f),
14 in that Respondent has been convicted of the following crimes that are substantially related to the
15 qualifications, functions or duties of a licensed registered nurse:

16 11. On November 16, 2004, in the Superior Court, County of Los Angeles, California, in
17 the matter entitled *People of the State of California v. Paige McGuirt Hamilton* (Sup. Ct., Los
18 Angeles Cty., 2004, Case No. 4SB08495), Respondent was convicted on her plea of nolo
19 contendere, of a violation of Vehicle Code section 23152, subdivision (b) (driving a vehicle with
20 a blood alcohol level of 0.08% or higher), a misdemeanor. The circumstances of the crime are
21 that on September 16, 2004, Respondent was arrested for driving a vehicle with a blood alcohol
22 level of 0.13%. Respondent was sentenced to probation for a period of three years, and was
23 ordered to enroll in and successfully complete a three-month licensed first-offender alcohol and
24 other drug education and counseling program. She was also ordered to either serve 13 days in the
25 Los Angeles County Jail; pay fines, penalties and fees of approximately \$1,497; or perform 221
26 hours of community service.

27 12. On January 26, 2009, in the Superior Court, County of Los Angeles, California, in the
28 matter entitled *People of the State of California v. Paige McGuirt Hamilton* (Sup. Ct., Los

1 Angeles Cty., 2008, Case No. 8SY08462), Respondent was convicted on her plea of nolo
2 contendere, of a violation of Vehicle Code section 23152, subdivision (b) (driving a vehicle with
3 a blood alcohol level of 0.08% or higher), a misdemeanor. The circumstances of the crime are
4 that on August 31, 2008, Respondent was arrested for driving a vehicle with a blood alcohol level
5 of 0.08% or higher. Respondent was sentenced to probation for a period of 36 months, ordered to
6 serve 96 hours in the Los Angeles County Jail, and pay fines, penalties and fees of approximately
7 \$1,427. She was also ordered to participate in any program of treatment or counseling as
8 directed, pursuant to Health & Safety Code section 11837.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Conviction of Crimes Involving Alcoholic Beverages)**

11 13. Respondent is subject to disciplinary action under Code section 2761, subdivision (a),
12 on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (c), in
13 that on November 16, 2004 and on January 26, 2009, Respondent was convicted of crimes
14 involving alcoholic beverages, as more particularly set forth in paragraphs 11 & 12, above.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Use Alcoholic Beverages to an Extent or in a Manner Dangerous or Injurious)**

17 14. Respondent is subject to disciplinary action under Code section 2761, subdivision (a),
18 on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b), in
19 that on or about September 16, 2004 and August 31, 2008, Respondent used alcoholic beverages
20 to an extent or in a manner dangerous or injurious to herself and others, as more particularly set
21 forth in paragraphs 11 & 12, above.

22 **PRAYER**

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
24 and that following the hearing, the Board of Registered Nursing issue a decision:

25 1. Revoking or suspending Registered Nurse License Number 626653, issued to Paige
26 McGuirt Hamilton;

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1 2. Ordering Paige McGuirt Hamilton to pay the Board of Registered Nursing the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3; and

4 3. Taking such other and further action as deemed necessary and proper.

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6 DATED: 8/19/09

Louise R. Bailey
Louise R. Bailey, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
State of California
Complainant

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